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VIA ECF

November 16, 2023

Hon. Victor Marrero  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: *Baliga, et al. v. Link Motion Inc., et al.*, Case No. 1:18-cv-11642-VM-VF (S.D.N.Y.)

Dear Judge Marrero:

We represent Defendant Dr. Vincent Wenyong Shi (“Dr. Shi”) and, pursuant to ECF No. 175, Defendant Link Motion Inc. (“LKM”). We write in response to the Court’s November 13, 2023 order, ECF No. [499](#), directing Defendants to respond to the letter from Plaintiff Wayne Baliga requesting an order referring the parties to mediation, ECF No. [498](#).

Defendants object to mediation at this time as premature. Mediation is premature because the Receiver has not been discharged and remains in office. *See* Fed. R. Civ. P. 66 (“An action in which a receiver has been appointed may be dismissed only by court order”); 3 Clark, *Treatise on law & practice of Receivers* § 695 (3d Ed. 1959). Accordingly, it is not possible to fully and finally settle all claims in this case at a mediation. While the Receiver remains in office, only the Court can dismiss this case.

Accordingly, Dr. Shi respectfully requests that the Court deny Plaintiff’s request for an order referring this case for mediation or, in the alternative, deny the request without prejudice to renewal after the Receiver has been discharged.

Respectfully submitted,

*/s/ Michael James Maloney*

Michael James Maloney

cc: All counsel of record (via ECF)